

**BOARD FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS**

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www.dca.ca.gov/pels**BOARD MEETING MINUTES**

May 31 and June 1, 2000

Board for Professional Engineers and Land Surveyors

Red Lion Inn

Redding, California

Wednesday, May 31, 2000

Board Members Present: George Shambeck (President), Kathy Hoffman (Vice-President), Gregg Brandow, David Chen, Ted Fairfield, James Foley, Andrew Hopwood, Myrna Powell, Millicent Safran, Quang Vu.

Board Members Absent: Vincent DiTomaso, Steve Lazarian, Marilyn Lyon

Board Staff Present: Cindi Christenson (Executive Officer), Gary Duke (Legal Counsel), Susan Ruff (Deputy Attorney General), Nancy Eissler (Attorney General Liaison Analyst), Kevin A. Schunke (Special Assistant to the Executive Officer), Jacqueline Barclay (Executive Analyst), Eileen Crawford (Senior Engineering Registrar).

Public Present: Cody Tubbs, CELSOC; Tony Spillane, CLSA; Michael Whiteside, PECG; C. John Beck, PG & E; Chris Tran, SCE; Ben Pruett, Southern California Gas Co.

1. Roll Call to Establish a Quorum

The meeting was called to order by President Shambeck at 2:10 p.m. Roll call was taken, and a quorum was established.

2. Public Comment

President Shambeck asked for public comment. Cody Tubbs from CELSOC thanked Ted Fairfield and President Shambeck for all their hard work on the Board.

3. Closed Session

The Board went into closed session.

The Board recessed at 4:30 p.m.

Thursday, June 1, 2000

Board Members Present: George Shambeck (President), Kathy Hoffman (Vice-President), Gregg Brandow, David Chen, Ted Fairfield, James Foley, Andrew Hopwood, Myrna Powell, Millicent Safran, Quang Vu.

Board Members Absent: Vincent DiTomaso, Steve Lazarian, Marilyn Lyon

Board Staff Present: Cindi Christenson (Executive Officer), Gary Duke (Legal Counsel), Susan Ruff (Deputy Attorney General), Nancy Eissler (Attorney General Liaison Analyst), Kevin A. Schunke (Special Assistant to the Executive Officer), Jacqueline Barclay (Executive Analyst), Eileen Crawford (Senior Engineering Registrar).

Public Present: Cody Tubbs, CELSOC; Tony Spillane, CLSA; Michael Whiteside, PEGG; C. John Beck, PG & E; Chris Tran, SCE; Ben Pruett, Southern California Gas Co.

1. Roll Call to Establish a Quorum.

Roll call was taken and a quorum was established.

2. Public Comment

No comments were made.

4. Open Session to Announce the Results of Closed Session.

The Board adopted the Stipulation in the Matter regarding Elvis Duane Lyon.

The Board adopted the Stipulation in the Matter regarding Siavash Pazargadi.

The Board adopted the Stipulation in the Matter regarding Gene Porter.

The Board adopted the Default Decision in the Matter regarding William Chuan Shen.

The Board adopted the Default Decision in the Matter regarding Dana Hall.

The Board adopted the Proposed Decision in the Matter regarding James Bryant Castles.

The Board adopted the Proposed Decision in the Matter regarding Craig Marshall.

The Board will be issuing a Decision After Non-Adoption in the Matter regarding Hans O. Thern.

The Board approved one candidate for licensure retroactive to July 1998 due to oversight by Board staff.

The Board denied the appeals of the October 1999 NCEES Professional Engineering examinations. The Board approved the successful appeals of the October 1999 NCEES Professional Engineering Examinations.

The Board adopted the cutscores of 127 out 261 possible points for Seismic and 158 out of possible 290 for Engineering Surveying examination.

The Board discussed pending litigation.

5. Approval of Consent Items

MOTION: Mr. Hopwood/Ms. Powell moved to approve the April 6 and 7, 2000 Board Meeting Minutes

VOTE: 10-0, motion carried

MOTION: Mr. Hopwood/Ms. Powell moved to approve the candidates for certification/licensure based on examination results, including successful appeals, adopted in closed session.

VOTE: 10-0, motion carried.

6. Approval of Delinquent Reinstatements

Motion: Mr. Hopwood/Mr. Vu moved to approve the 3 and 5-year reinstatements as follows:

Ashween Shah: Reinstatement applicant's license once he takes and passes the Seismic principles and Engineering surveying examination and Board's Laws and Rules examination.

Michael Metzler: Reinstatement applicant's license once he takes and passes the Board's Laws and Rules examination.

Michael Yakos: Reinstatement applicant's license once he takes and passes the Board's Laws and Rules examination.

Mark Theil: Reinstatement applicant's license once he takes and passes the Board's Laws and Rules examination.

VOTE: 10-0, motion carried

7. Comity and Temporary Authorization Applications

MOTION: Mr. Foley/Mr. Hopwood moved to approve comity applications for licensure.

VOTE: 10-0, motion carried

MOTION: Mr. Hopwood/Mr. Foley moved to approve comity applications for licensure as shown below:

Civil

1. Michael Barrett
2. Anoosheh Jannesari
3. Steven Metro
4. Daniel Sesil

Mechanical

5. Robert M. Coble II
6. George D. Mackellar
7. Ram G. Narula
8. Anthony J. Zabloudil
9. Michael K. DeHart
10. Richard Kutta

Electrical

11. Theodore G. Fowler
12. Marek Orzechowski

VOTE: 10-0, motion carried

8. Presentation of Turtle Bay Bridge

Tour of site provided on May 31, 2000

9. Approval and Adoption of Retired/Fees Status Regulation

Mr. Schunke reported that the public comment period closed, no comments were received, and there was no request for a hearing.

MOTION: Mr. Foley /Mr. Hopwood moved to approve and adopt the Retired/Fees (Board Rule 407) regulation language.

VOTE: 10-0, motion carried.

Mr. Fairfield requested that we inform all retired licensees that they will continue to receive Board publications.

10. 2000 Strategic Plan

Ms. Hoffman reported on this item. Ms. Hoffman requested that the Strategic Plan be added to the July Administrative Committee Meeting for review on an ongoing basis. She also requested that someone from DCA assist with revisions to the plan. Ms. Hoffman stated that there should be a mechanism to update the plan on a regular basis and that the current plan is fragmented.

President Shambeck stated that he had some concerns with the plan from a semantics point of view.

Mr. Fairfield requested that the plan include upcoming issues such as interstate comity, scoring and appeal of examinations, and computer based testing.

12. Liaison Reports (item taken out-of order)

a. ABET

Ms. Christenson reported that there is a vacant position on the ABET Board and asked the Board to develop a letter of recommendation for Myrna Powell. The Board will develop a letter for Ms. Powell recommending her for this position, if Ms. Powell would like to participate.

b. NCEES

1. May Western Zone Meeting

Mr. Shambeck reported on this item. Ted Fairfield was nominated at the Western Zone meeting to serve as NCEES President-elect with an effective date of August 2000.

c. Technical and Professional Societies

Mr. Brandow reported on this item. He stated that SEAOC wants to get involved with enforcement activities of the Board. He also stated that Structural engineers got together at the NCEES Western Zone meeting and discussed the differing licensure schemes of each state. Discussion will continue regarding a western states structural engineering examination.

11. Technical Advisory Committee Reports

a. Land Surveying

Mr. Shambeck reported that the LS TAC has 3 vacancies. Howard Brunner will be contacting prior applicants to see if they are still interested in serving. Mr. Brunner will then make recommendations to Mr. Foley.

b. Civil/Geotechnical Engineering

1. Report on the May 24, 2000 meeting
Mr. Foley reported on the meeting. Mr. Foley stated that the main topic of discussion was the “design-build” issue.

Dr. Brandow asked if it would appropriate for the SETAC to also discuss the design-build issue.

Mr. Foley reported that the TAC discussed the new regulation regarding notice of licensure and the issue regarding utility trenching.

Mr. Foley announced that Chris Tran from Southern California Edison, John Beck from Pacific Gas and Electric and Ben Pruett from Southern California Gas Co. were in attendance at the Board meeting to make public comments related to the utility trenching issue. Mr. Foley further stated that it was his understanding that the utility companies believe that utility trenching does not come under the definition of civil engineering.

Mr. Foley stated that he would like to meet with the utility companies to further discuss this issue.

Mr. John Beck from PG & E commented that Mr. Duke gave an overview of the definition of civil engineering as it relates to utility trenching at the TAC meeting. Mr. Beck stated that he would like to have further discussion regarding this issue in order to come to a meeting of the minds with all parties involved.

Mr. Fairfield described two separate types of scenarios with respect to utility trenching: new construction and/or new development; and maintenance or repair of an existing area or street where everything else is also fixed. Mr. Fairfield stated that the level of concern is different in the above two situations.

Mr. Foley stated that the discussion would continue at the TAC regarding public trenching and utility companies.

Ms. Hoffman suggested that the TAC look at previous Board Policy Resolutions to assist them in recommending whether or not a new regulation in this area of utility trenching should be pursued.

- c. Mechanical/Electrical Engineering
No report given
- d. Structural Engineering
No report given

13. President’s Report

President Shambeck stated his report was provided under other items of the agenda.

14. Executive Officer's Report

Ms. Christenson reported on this item. She stated that she has received several applications for Mr. Schunke's position and will be interviewing in the next couple of weeks. Ms. Christenson reported that the Land Surveying examination grading will be done this week. She also reported that the Spring Bulletin was published, printed and will be mailed this week. It can also be found on the Board's website. Mr. Christenson reported that Mike Luery from Channel 3 was recently appointed as the Department's Deputy Director of Communications.

15. Committee Reports

a. Enforcement

Mr. Foley reported that the Enforcement Committee did not convene on May 31 due to a lack of a quorum. He reported that all Committee items were held over until the July 2000 Enforcement Committee meeting. Mr. Foley reported that the Enforcement Unit had closed 39 cases and opened 21 new cases in May.

b. Legislative

Dr. Brandow reported on the May 31 Legislative Committee Meeting. He reported on the proposed additions to statute 6738 regarding written contracts. Mr. Fairfield requested that subsection (i) be deleted.

MOTION: Dr. Brandow/Dr. Chen moved to take the following position on the following bills:

AB 688	Oppose
AB 1096	Oppose
AB 2272	Oppose
AB 2439	Oppose
SB 129	Watch
SB 1310	Defer to DCA
SB 1563	Support
SB 1863	Support

VOTE: 10-0, motion carried

MOTION: Ms. Powell Mr. Hopwood moved to take the following positions on the following bills:

AB 2649	Support - with suggested language recommended from TACs
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SB 2030	Support - with consideration of written contract language suggested by Mr. Duke.
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VOTE: 10-0, motion carried

- c. Ms. Safran reported on the May 31 Examinations/Qualifications Committee meeting. She also reported only Committee members could be present during closed session of the Examinations/Qualifications Committee meetings when the delinquent reinstatement application are discussed.

MOTION: Ms. Safran/Mr. Vu moved to approve that all Special Comity applications and 3 and 5-year delinquent reinstatements be discussed during closed session of the Examinations/Qualifications Committee meeting.

VOTE: 10-0, motion carried.

MOTION: Ms. Safran/Mr. Foley moved to amend the existing contract with PMES.

VOTE: 10-0, motion carried.

MOTION: Ms. Safran/Mr. Hopwood moved to appoint Jim Foley and Kathy Hoffman as liaisons to the Dean's Council and allow Board staff to set dates and locations for the Dean's Council meetings.

VOTE: 10-0, motion carried

- d. Administrative

Ms. Hoffman reported on the May 31 Committee meeting. She reported that the Board would pursue approval to extend Howard Brunner's contract with the Board as the staff Professional Land Surveyor Consultant, subject to Mr. Brunner's interest in continuing at the current contract terms and conditions. In addition, the Board will pursue a competitive bid for the PLS Consultant should Howard Brunner's contract not be extended, as a back-up option.

MOTION: Ms. Hoffman/Mr. Hopwood moved to approve President Shambeck and Ted Fairfield for NCEES Emeritus Board member status appointments for one year.

VOTE: 10-0, motion carried.

MOTION: Ms. Hoffman/Dr. Chen moved approve that a program will be written to outline the Emeritus Board member status and terms of appointments.

VOTE: 10-0, motion carried

16. Approval of Board Travel

Mr. Vu stated that he has been asked by ASME to attend a two-day meeting in Florida regarding mobility.

MOTION: Ms. Safran/Mr. Hopwood moved to approve Mr. Vu attending the meeting.

VOTE: 10-0, motion carried

17. Other Items Not Requiring Board Action

a. Incoming President Takes Office

President Shambeck turned the gavel over to Kathy Hoffman and congratulated her on her term as the new Board President beginning June 2, 2000.

b. Presentation of Proclamations to President Shambeck and Ted Fairfield

President Shambeck presented a proclamation to outgoing Board member Ted Fairfield.

Kathy Hoffman presented two proclamations to outgoing Board member George Shambeck; one for his year as President, and the other for his term served as a Board member.

Both Ted Fairfield's and President Shambeck's terms as Board members will end at the close of this meeting.

c. Next Board meeting: July 27 and 28, 2000, Mission Inn Riverside, California

18. Adjourn

The Board meeting was adjourned at 11:25.